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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,263	02/24/2004	Kosuke Yamaguchi	09812.0410	8885

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

LAY, MICHELLE K

ART UNIT	PAPER NUMBER
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2628

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/785,263

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Michelle K. Lay

Art Unit

2628

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 4, 6, 8, 9, 12, 14 and 16-19.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

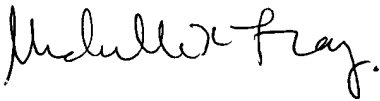
11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


**Kee M. Tung
Primary Examiner**

Continuation of 11. does NOT place the application in condition for allowance because: in regards to claims 8, 16 and 19, Applicant argues Chen et al. (5,588,098) fails to teach detecting a coordinate defined on the display. Examiner respectfully disagrees. As claims 8, 16 and 19 recite, the coordinate is defined via the user's touch. Therefore, the system/method of Chen uses the input controller (15) (mouse, 2-D trackball, joystick, stylus, touch screen, touch tablet, etc.) for the manipulations of the images on the screen [Fig. 1; col. 4, lines 30-40]. Additionally, the mouse (or input device) controls the position of a mouse pointer (e.g., a reference indicator such as a cursor) that is displayed. Thus, the two-dimensional movement of the mouse on the surface translates into a corresponding two-dimensional movement of the mouse pointer on the video display [col. 4, lines 53-61]. Furthermore, it is implicit that the input controller (15) in conjunction with the CPU/memory unit (11) provides a coordinate detection means, in order for the two-dimensional movement of the mouse to translate onto into a corresponding two-dimensional movement of the mouse pointer on the video display, otherwise the system/method of Chen would not be able to identify to the location of the input device.

Additionally, Applicant argues that Chen fails to teach a determination means for determining whether the three-dimensional object is to be scaled up or down ... on the basis of the coordinate detected. Examiner respectfully disagrees. Chen teaches placing the cursor within a scaling active zone (i.e. location of cursor, coordinate), as shown in Fig. 11, which in turn indicates to the system of Chen, to enlarge (i.e. scale up). Furthermore, claims 8, 16, and 19 contain the limitation of determining whether the three-dimensional object is to be scaled up or down, which Chen determines via the location of the cursor within the scaling active zone.

In regards to claims 1, 4, 6, 9, 12, 14, 17, and 18, Applicant argues Ono et al. (5,588,097) fails to teach or suggest determine[ing] speed ... on the basis of a distance between a coordinate ... and a central coordinate. Examiner respectfully disagrees. As stated in the office action and mentioned in Applicant's remarks, Applicant defines the angle of rotation as the speed of rotation [refer to [0091]]. It is well known in basic trigonometry, that in order to constitute an angle, three points are needed, even if two of the points are along the same axis. Therefore, depending on the user's choice, P2 and P3 can be set to the same axis (therefore, being one point, e.g. coordinate) so that the graphic object rotates around the axis of rotation at a constant speed of rotation [col. 3, lines 45-65; col. 5, lines 30-47].



PATENT EXAMINER